



Docket No. 1514.1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Sung Han KIM et al.

Application No.: 09/862,449

Group Art Unit: 1774

Confirmation No. 8882

Filed: May 23, 2001

Examiner: Camie S. Thompson

For: A BLUE ELECTROLUMINESCENCE COMPOUND FOR AN ORGANIC
ELECTROLUMINESCENCE DEVICE AND THE ORGANIC ELECTROLUMINESCENCE
DEVICE USING THE SAME

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is responsive to the Office Action mailed August 13, 2002, having a shortened period for response set to expire on September 13, 2002, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect claims 1-4 and 8-10 (groups directed to a compound inclusive of formula 1 where Ar is anthracene) in response to the preliminary restriction requirement set forth in the Office Action. Further, while the Examiner has stated that claim 8 is generic to the species, it is further respectfully submitted that claims 11-24 are also generic to the species. As such, it is respectfully submitted that the provisional election is to claims 1-4 and 8-24.

II. Applicants Traverse the Requirement

Insofar as the remaining claims are concerned, it is believed that claims 5-7 are so closely related to elected claims 1-4 and 8-24 that they should remain in the same application to preserve unity of the invention and to avoid any possibility of a double patenting issue arising at some later date. Further, there have been no references cited to show any necessity for election of species or any evidence that a simultaneous evaluation of all claims will place an undue burden on the Examiner in comparison with the additional expense and delay to the Applicants if the Applicants are required to separately protect the non-elected species.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (P) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)-§806.04(i), §808.01(a) and §808.02). This section of the MPEP also states that, for purposes of the initial requirement, a serious burden on the Examiner may be prima facie shown if the Examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP §808.02. The Examiner has not set forth any of these criteria or any other criteria for establishing that there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

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Date: SEPT. 11, 2002